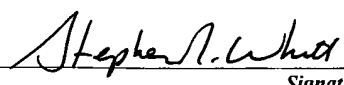


IFW 2174

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. EGG.001	
In Re Application Of: Daniel EGGER et al.					
Application No. 09/854,577	Filing Date July 15, 2001	Examiner Sajeda MUHEBBULLAH	Customer No. 20987	Group Art Unit 2174	Confirmation No. 1561
Title: METHOD AND APPARATUS FOR INDEXING, SEARCHING AND DISPLAYING DATA					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is: Statement Under 37 CFR 3.73(b); Bill of Sale, Assignment and License Agreement; Exhibit A: Assignment of Patent; Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address; Copy of Official Filing Receipt; Renewed Petition for Revival of Unintentionally Abandoned Application Under 37 CFR 1.137(b); Replacement Declaration of Daniel Egger in Support of Petition to Revive Filed Under 37 C.F.R. 1.137(b); Appendices A-J in the above identified application.					
<input checked="" type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 50-0238 as described below. <div style="margin-left: 40px;"><input type="checkbox"/> Charge the amount of _____ <input type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required.</div> <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 _____ Signature			Dated: JULY 10, 2006		
STEPHEN R. WHITT REG. NO. 34,753 VOLENTINE FRANCOS & WHITT, PLLC ONE FREEDOM SQUARE 11951 FREEDOM DRIVE, SUITE 1260 RESTON, VA 20190 TEL. NO. 571-283-0720			<div style="border: 1px solid black; padding: 5px;"><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p><p>_____ (Date)</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div>		
cc:					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Former Attorney Docket Number: 4256B)

In the Application of:)
)
Daniel Egger et al.) Group Art Unit: 2174
)
Application Serial Number: 09/854,577) Confirmation No.: 1561
)
Date Filed: 15 May 2001) Examiner: Muhebbullah, Sajeda
)
Title: Method and Apparatus for Indexing, Searching and Displaying Data)

Attention: Office of Petitions
Mail Stop: Petitions – Attention, Senior Attorney John J, Gillon, Jr.
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Renewed Petition For Revival Of Unintentionally Abandoned
Application Under 37 CFR §1.137(b)**

Petitioner, Daniel Egger, renews his petition for revival of the subject application.

I. Preliminary Procedural Matters

A. Preliminary to a review of the merits of this renewed petition, petitioner submits herewith, a “Statement Under 37 CFR 3.73(b)” certifying that Petitioner is assignee to the entire, right title and interest in the subject application.

B. Together with the Statement Under CFR 3.73(b), Petitioner submits a copy of a September 16, 1998 assignment document from Site Technologies, Inc. (a successor in interest to Libertech, Inc.) to Daniel Egger related to the subject matter of U.S. Patent 5,544,352 and all continuations, divisionals, etc., thereof. The ‘352 is parent to the subject application.

C. Petitioner also submits a “Revocation . . . New Power of Attorney and Change of Correspondence Address” related to the subject application.

D. Petitioner also submits a copy of the official filing receipt for the divisional application (Serial No. 11/404,824) which was concurrently filed with the Petition to Revive.

Thus, by the following submissions, the Office may be satisfied that Daniel Egger is the sole assignee of the subject application, has properly appointed the undersigned attorney to represent him in this matter, has revoked all former powers of attorney, and has made an appropriate, substantive reply to the Office Action of 30 March 2004 by way of the divisional application.

II. Procedural Posture of the Application

A. Petitioner, through his former counsel of record, failed to timely reply to a Final Office Action dated 30 March 2004.

B. By operation of statute and in the absence of a timely filed petition for extension of time, the subject application went abandoned at midnight on 30 June 2004.

C. Petitioner's former counsel was notified of this abandonment no later than receipt of the "Notice of Abandonment" dated 28 March 2005.

D. On April 17, 2006, Petitioner filed a "Petition for Revival" under 37 CFR § 1.137(b) and submitted the following items in support of this Petition:

1. A Petition Fee under 37 CFR 1.17(m) in the amount of \$790.00 (small entity);

2. A reply to the Office Action of March 30, 2004 in the form of an express abandonment of the subject application in favor of a newly filed Divisional application, now U.S. Patent Application No. 11/404,824;

3. A Change of Correspondence Address;

4. An Attorney Submission regarding the Petition;

5. A Supporting Declaration by Daniel Egger; and,

6. A statement of *"In view of the accompanying supporting Declaration (item 4) and Attorney Submission (item 3), applicants believe that the entire delay in filing the required reply from the due date for the*

required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. ”

E. In a June 19, 2006 Action, the Office dismissed the Petition to Revive (hereafter the “Dismissal”), stating the following:

1. Petitioner filed a Change of Address instead of the required Revocation/Power of Attorney.

2. Petitioner failed to submit evidence that the divisional application concurrently filed with the Petition to Revive was actually filed.

3. Petitioner “argues without expressly demonstrating deception by Counsel citing *Lonardo* in connection therewith. – submits a statement by a co-inventor, . . . makes allegations as to Counsel (but evidences no effort to address the matter with the Office of Enrollment and Discipline (OED)), and alleges unintentional delay, but, as indicated above, such allegations remain unsupported in the record.”

4. “While Petitioner is willing to suggest inappropriate action by Counsel, no such representation has been made to OED, and - in its absence - no statement is submitted by Petitioner from Counsel.”

III. Renewed Petition to Revive

There is agreement between Petitioner and the Office on several facts:

- The subject application went abandoned for failure of Petitioner to make a timely response to the Office Action dated March 30, 2004.

- A Change of Correspondence Address was delinquently filed by former counsel on October 4, 2004, three (3) months after the subject application went abandoned. (See, Exhibit A).

- A corresponding Notice of Abandonment was forwarded to former counsel on March 28, 2005. (See, Exhibit B)

- No response was filed by former counsel, but rather the Petition to Revive was filed by Petitioner through new counsel on April 17, 2006.

A. Determining a Proper Theory for Revival

From the established record, as of March 28 2005, this case should have been an ordinary instance of “unintentional abandonment.” It is clear that former counsel unintentionally allowed the subject application to go abandoned by belatedly filing a Change of Correspondence Address, and thereby missing a previously mailed Office Action. Under more typical (and reasonably expected) circumstances, former counsel should have filed a garden-variety petition to revive under 37 CFR 1.137(b) and paid the corresponding fee. As the Office well knows, this type of petition if made under the conditions that existed on March 28, 2005 would have been routinely granted under the dictates of 37 CFR 1.137(b).

Further, as the initial error associated with the unintentional abandonment is clearly the responsibility of former counsel, it is reasonable to assume that former counsel should have been responsible for payment of the petition fee.¹

However, the circumstances in this case are anything but typical. Rather than routinely informing Petitioner of the abandonment and undertaking timely action to revive the application, former counsel chose another course. In a May 9, 2005 letter to Petitioner (attached as Exhibit C), former counsel fails to make ANY mention of the abandonment, the need to revive the subject application, or the need to make a substantial fee payment to accomplish revival. Within the context of the May 9, 2005 letter, former counsel dutifully forwards a copy of the March 30, 2004 Office Action and references cited therein, but fails to mention or forward a copy of the Notice of Abandonment (See, Exhibit C , 1st paragraph and Replacement Egger Declaration² at paragraph 8). Indeed, Petitioner was not informed of the abandonment and the need to revive until March 2,

¹ Indeed, the hand written notation by Paralegal Kristine Kincaid on the bottom of the Notice of Abandonment found in the original files of former counsel clearly indicate responsibility for the error in this matter. See, Exhibit B.

² Petitioner submits herewith a “Replacement Declaration of Daniel Egger” correcting several typographical errors in the previously filed “Declaration of Daniel Egger.”

2006, when he first received a letter from former counsel dated February 3, 2006. (See, Replacement Egger Declaration at paragraph 11).

In Petitioner's view, the subject application was initially "unintentionally abandoned." Thus, the period of delay between 30 June 2004 and 28 March 2005 could have been easily excused as unintentional through the timely filing of a properly presented petition for revival under 37 CFR 1.137(b). However, this is not the case for the period of delay between 28 March 2005 and 17 April 2006. Clearly, Petitioner's former counsel *knew* of the abandonment, but failed to act in a timely manner. This conduct by former counsel is the antithesis of unintentional.

Of note, the *Lonardo* case, discussed in more detail later, is directed to a petition to revive filed under 37 CFR 1.137(a) and speaks in terms of "unavoidable delay" instead of unintentional delay. That is, the initial conduct (i.e., a failure to timely file formal drawings due to personal illness) by the attorney in *Lonardo* was characterized as unavoidable. This difference in legal context notwithstanding, Petitioner believes that the dictates of *Lonardo* are applicable to the present circumstances, and that the former petition (and renewed petition) are properly considered under 37 CFR 1.137(b) – as determined by the nature of the initial conduct resulting in abandonment.

B. The Merits of the Petition to Revive

Petitioner respectfully submits that the former Dismissal of his Petition to Revive was improper and requests reconsideration under 37 CFR 1.137(b).

1. The *Lonardo* Case

Petitioner's position is very straightforward. Namely, he should be allowed to revive an unintentionally abandoned application under the exception established by *In re. Lonardo*, 17, USPQ 2nd, 1455 (Comm'r Patents 1990). Petitioner notes that while *Lonardo* proceeded under a theory of unavoidable abandonment under 37 CFR 1.137(a), its dictates are readily applicable to unintentional abandonment under 37 CFR 1.137(b).

The Commissioner in *Lonardo* first examined the diligence of *Lonardo* and

thereafter Lonardo's attorney. In so doing, the Commissioner found that Lonardo had been diligent in his conduct, but that Lonardo's attorney had not been diligent.

The Commissioner in *Lonardo* next examined whether Lonardo's attorney's lack of diligence was chargeable to Lonardo. Upon finding that Lonardo's attorney "intentionally concealed a mistake he [had] made", the Commission concluded that "depriving the client of a viable opportunity to cure the consequences of the attorney's error, the situation is not governed by the stated rule in *Link* for charging the attorney's mistake to his client." (See, 17 USPQ2hd at 1458, citations omitted).

2. Applying *Lonardo* to the Subject Application

Following the Commissioner's approach in *Lonardo*, there is no doubt that Petitioner Daniel Egger was diligent. Upon first learning on March 2, 2006 that his application had gone abandoned and required revival, he immediately set about hiring new counsel and subsequently filed a Petition to Revive on April 17, 2006, - a delay of less than two (2) months. (See, Replacement Egger Declaration at paragraphs 11 and 12).

Like the circumstances in *Lonardo*, nothing in the record indicates that Daniel Egger was aware that a Notice of Abandonment had been received by former counsel on March 28, 2005. Further, nothing in the record indicates that Daniel Egger should have known the former counsel was unreliable, or less than forth coming with critical information regarding the prosecution of the subject application.

There is equally no doubt that Petitioner's former counsel was not diligent between March 28, 2005 (the date he learned of the abandonment) and March 2, 2006 (the date he first informed Petitioner of the abandonment). Accordingly, as in *Lonardo*, petitioner counsel was not diligent. Thus, the issue before the Office is one of determining whether the facts presented in the record reasonable establish that Petitioner's former counsel "intentionally concealed his mistake, thereby depriving the Petitioner of a viable opportunity to cure the consequences of the mistake." If the Office makes this determination, then the Petition to Revive may be routinely granted under the dictates set forth in *Lonardo*.

3. The Record Supports a Decision of Intentional Concealment

As a legal predicate, the Office is reminded that “direct evidence of intent or proof of deliberate scheming is rarely available . . . but intent may be inferred from the surrounding circumstances.” *Critikon v. Becton Dickinson Vascular Access*, 120 F. 3d. 1253 (Fed. Cir. 1997). (Emphasis added). While this conclusion by the Federal Circuit was made in relation to an inequitable conduct determination, it is relevant to the current inquiry.

In contrast to the foregoing legal standard, page 3 of the Dismissal concludes that Petitioner’s evidence is somehow insubstantial because it lacks either (1) evidence that Petitioner filed a complaint with the Office of Enrollment and Discipline (OED), or (2) an express admission by former counsel that he intentionally concealed his mistake. These specific additional requirements by the Office are arbitrary, capricious, and unsupported by applicable case law, statute, or regulation.

Petitioner has been fully informed of his option to file a complaint with OED, and respectfully declines to do so. Petitioner has just terminated a very frustrating relationship with former counsel, and has neither the time, money, nor inclination to undertake a collateral proceeding before the Office related to former counsel’s conduct. In similar regard, Petitioner is not obligated to seek or submit a statement by former counsel regarding his view or recollection of the surrounding circumstances. Rather, Petitioner believes that the contemporaneously generated documents submitted with the Petition to Revive are clear circumstantial evidence of former counsel’s intent.

Any assertion or suggestion by the Office that a particular form of evidence is required to reach a conclusion that former counsel intentionally concealed his error is simply at odds with established law. Instead, the totality of the “surrounding circumstances,” as presented in the record before the Office should be considered.

In this regard, the circumstantial evidence is clear: despite an obvious opportunity documented by a contemporaneous writing (a copy of which is submitted to the Office as Exhibit C), former counsel failed to mention or discuss in any manner the fact that the subject application, otherwise being dealt with in great particularity, had gone abandoned and that revival was required. Additionally, Petitioner unequivocally states in his

declaration that he first learned on the abandonment of the subject application and its need to be revived on March 2, 2006. (See, Replacement Egger Declaration at paragraphs 8-11).

From the record before the Office, the following conclusions emerge:

1. There is no doubt that former counsel knew the subject application had gone abandoned for his failure to timely file a response as of March 28, 2005, and that this failure was due to his error. (See, Exhibit B).

2. This express knowledge notwithstanding, former counsel did not communicate to Petitioner the fact that his application had gone abandoned until nearly a year later – on March 2, 2006. (See, Replacement Egger Declaration at 11).

3. In the interim, former counsel sent the May 9, 2005 letter. (See Exhibit C). The May 9, 2005 letter indicates a thorough consideration of the pending application, its parent applications, the Office Action of June 30, 2004 and the references cited therein. (See, Exhibit C, 1st paragraph). The May 9, 2005 letter also clearly indicates that a copy of the Office Action and references had been “previously sent” to Petitioner. (See, Exhibit C, 1st paragraph). The remainder of the letter is a detailed discussion of the Office Action and the pending claims – **but not a single reference is made to the abandonment or the implications of timely reviving the application.**

4. In a June 1, 2005 responding email to the May 9, 2005 letter (attached in Exhibit D), Petitioner provides instructions to former counsel regarding the pending Office Action and comments on the recommendations made in the May 9, 2005 letter – **but again not a single reference is made to the abandonment or the implications of timely reviving the application.**

5. Only is a much later letter dated February 3, 2006 and received by Petitioner on March 2, 2005, did former counsel explain the abandoned status of the subject application. (See, Exhibit E and Replacement Egger Declaration at paragraph 11).

6. In a March 2, 2006 responding email to the letter dated February 3, 2006, Petitioner’s surprise regarding the abandonment and its implications are clearly manifest. (See, Exhibit F and Replacement Egger Declaration at paragraph 11).

7. In a final piece of correspondence dated April 6, 2006, former counsel ultimately expresses concern that the subject application cannot be allowed to continue in an abandoned state indefinitely. (See, Exhibit G).

The Office has before it a declaration by Petitioner asserting that he did not receive notification of abandonment until March 2, 2006, and clear evidence that former counsel knew of the abandonment by March 28, 2005. While Petitioner recalls, some vague oral references to some “technicalities” regarding the subject application made during the July/August 2005 time frame (see, Replacement Egger Declaration at paragraph 10), he never received clear notification of abandonment and its implications until nearly a year after former counsel knew of the abandonment and nearly two years after actual abandonment had occurred.

In view of this record, the Office may reasonably infer that former counsel, knowing of the abandonment and the implications of timely reviving it, intentionally concealed the specific fact of abandonment from Petitioner. As such, the period of delay between March 28, 2005 and March 2, 2006 should not be chargeable to Petitioner under the dictates of *Lonardo*. As for the period of delay between June 30, 2004 and March 28, 2005 caused by a failure of former counsel to timely file a Change of Correspondence Address, Petitioner submits that such delay is properly deemed unintentional and subject to remedy under 37 CFR 1.137(b) by the previously filed Petition to Revive.

Reconsideration of this matter is respectfully requested.

Respectfully submitted,

Date: July 10, 2006



Stephen R. Whitt
Reg. No. 34,735

Volentine, Francos & Whitt, PLLC
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston, VA 20190
Tel: 571-283-0720
Fax: 571-283-0740

Replacement Declaration of Daniel Egger in Support of
Petition to Revive Filed Under 37 C.F.R. § 1.137(b)

1. I, Daniel Egger, am the first named applicant of U.S. Patent Application Serial No. 09/854,577 filed May 15, 2001 and entitled, "Method and Apparatus For Indexing, Searching And Displaying Data", (hereafter the '577 application").
2. I am also the owner of the entire interest in the '577 application.
3. The '577 application was initially filed by the law firm of Dorsey & Whitney, LLP (hereafter "D&W") through its office then located at Suite 440, 1660 International Drive, McLean, Virginia 22102. See, copy of official filing receipt, attached as Exhibit H.
4. On October 4, 2004, a Change of Correspondence Address was filed by Edward Bulchis, Reg. No. 26,847, of D&W that identified 1420 Fifth Avenue, Suite 3400, Seattle, Washington 98101 as a new correspondence address for correspondence related to the '577 application. See, copy attached as Exhibit A.
5. However, completely unknown to me and apparently also unknown to D&W, an Office Action was issued by the United States Patent and Trademark Office on March 30, 2004, and was sent to the former address of D&W's McLean, Virginia office.
6. D&W received a copy of the March 30, 2004 Office Action no later than March 21, 2005. See, copy of facsimile cover sheet from Denise Sheridan forwarding a copy of the Office Action to Kristine Kincaid, attached as Exhibit I.

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7. D&W received a copy of a March 28, 2005 Notice of Abandonment, and a notation was placed on the Notice of Abandonment by Kristine Kincaid stating that, "Denise Sheridan confirmed that no response was filed because the Office Action wasn't received due to a change of address without notifying the Patent Office." See, Exhibit B.

8. Notwithstanding the received Notice of Abandonment, I was only routinely informed of the Office Action in a letter dated May 9, 2005 from Edward Bulchis. The letter provided commentary and suggestions regarding a possible response to the Office Action, but made no reference whatsoever to the abandoned state of the application, or the implications of this abandonment to the continued prosecution of the '577 application. See, copy of Bulchis Letter dated May 9, 2005, attached as Exhibit C.

9. On June 1, 2005, still not knowing that the application was abandoned, I responded by email to the Bulchis Letter dated May 9, 2005. See, copy of responding email attached as Exhibit D.

10. During the July/August 2005 timeframe I was orally informed by Edward Bulchis of some "technicality" associated with the pending '557 application, but was assured that it could be easily remedied by D&W. At this time, I was not informed that the application had become abandoned or that timely revival was required to continue prosecution.


11. On March 2, 2006, I received a letter dated February 3, 2006 from Edward Bulchis clearly notifying me for the first time that the pending '577 application was, in fact, in an "abandoned state." I immediately sent an email reply requesting that the application be revived. See, copy of Bulchis Letter dated February 3, 2006 and copy of replying email of March 2, 2006, both attached as Exhibit E.

12. On April 10, 2006 after unsuccessful attempts to address this matter through D&W, I contacted new patent counsel. Also on this date - for the first time - I was informed by new patent counsel of the imperative to timely revive the '577

application. Accordingly, I instructed Edward Bulchis to forward the prosecution file for the '557 application to the offices of Volentine, Francos & Whitt, PLLC in Reston, Virginia (VFW). See, copy of email attached as Exhibit J.

13. During the week of April 10, 2006, in cooperation with VFW, I prepared the necessary documents to effect revival and make a response to the Office Action, and I filed on April 17, 2006 a Petition to Revive.

14. I hereby declare that all statements made herein of my own knowledge are true, and that all statements on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '557 application or any patent issuing from the '557 application.


by: Daniel Egger

July 6, 2006
Date

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PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Oct. 4, 2004
Date

Denise Sheridan
Denise Sheridan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Daniel Egger et al. Attorney Docket No.: 32560/US (4256B)
Serial No. : 09/854,577 Group Art Unit : 2171
Filed : May 15, 2001 Examiner : S. Muhebbullah
Title : METHOD AND APPARATUS FOR INDEXING, SEARCHING AND DISPLAYING
DATA

CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned attorney of record requests that the correspondence address in the above-identified application be changed to:

Edward W. Bulchis
DORSEY & WHITNEY LLP
1420 Fifth Avenue, Suite 3400
Seattle, Washington 98101
(206) 903-8800
Fax: (206) 903-8820

Respectfully submitted,
DORSEY & WHITNEY LLP

Edward W. Bulchis
Edward W. Bulchis
Registration No. 26,847

EWB:dms

Enclosure:

Postcard

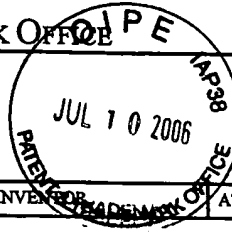
1420 Fifth Avenue, Suite 3400
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H:\IP\Documents\Clients\Egger, Daniel\32560US\32560US change corres address.doc

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,577	05/15/2001	Daniel Egger	4256B	1561

7590 03/28/2005

Edward W. Bulchis
DORSEY & WHITNEY LLP
1420 Fifth Avenue
Suite 3400
Seattle, WA 98101

EXAMINER

MUHEBBULLAH, SAJEDA

RECEIVED

ART UNIT	PAPER NUMBER
2174	

MAR 31 2005 DATE MAILED: 03/28/2005

DORSEY & WHITNEY LLP *tea*

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

Application No.

09/854,577

Examiner

Sajeda Muhebbullah

Applicant(s)

EGGER ET AL.

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03/30/2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Denise Sheridan confirmed that no response was filed because the office action wasn't received due to a change of address without notifying the Patent Office

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



DORSEY
DORSEY & WHITNEY LLP



EDWARD W. BULCHIS
(206) 903-8785
bulchis.ed@dorsey.com

May 9, 2005

Mr. Daniel Egger
900 West Main Street
Suite 258
Durham, NC 27701

Re: U.S. Patent Application No. 09/854,577
METHOD AND APPARATUS FOR INDEXING, SEARCHING AND
DISPLAYING DATA
Our Reference: 32560/US (453550-1)

Dear Dan:

We have now reviewed your application and the patents previously issuing from the parents to this application, as well as the Office Action and cited reference, which were previously sent to you. As you may recall, this application is directed to a window management system and method in which active windows are identified and displayed in a particular format. Each time a new window is activated, it is also identified and displayed in a particular format. Additionally, the system and method can recognize active windows other than those that have been identified, and it then causes these recognized windows to be displayed in a second format. For example, if there are a large number of active windows, the most recent windows can be maximized while older windows can be minimized. The claimed system and method automatically performs these management functions each time a new window is activated.

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The sole reference cited in the Office Action is a text by Cowart entitled "Mastering Windows 3.1," which describes and shows in Figures 2.8 and 2.9 displaying active windows in either a "Cascade" format or a "Tile" format. The Cascade or Tile format is manually selected by the user. Regardless of what format is selected, the main window also shows, in addition to either Cascaded or Tiled windows, icons corresponding to applications that are not active. Whenever one of these applications is activated, a corresponding window is displayed in the selected window format.

If our understanding of the Cowart text is correct, then it does not disclose or suggest recognizing at least one active window that is displayed in a format that is different from the format used to display other active windows, as recited in claims 106-112. If our analysis is correct, we believe claims 106-112 should be allowable, and we will explain our reasoning to the Examiner in our response.

Claim 99 is somewhat broader than claim 106 in that it requires only identifying activated windows and displaying these windows in a particular format each time a new window is activated. The cited reference therefore may suggest the subject matter of claim 99 unless claim 99 can be read to require that less than all of the active windows are displayed, *e.g.* only the most recently activated windows are displayed. We therefore recommend consideration be given to amending claim 99 to clarify that only the most recently activated windows are displayed, and this function of selectively displaying the most recently activated windows is accomplished each time a new window is activated.

The remaining independent claim, *i.e.*, claim 113, is a system claim that is directed to auto-arranging windows in a predetermined format in a manner that causes the arrangement of all active windows to change each time a new window is activated. This claim arguably reads on the disclosure in the Cowart reference of adding a new cascaded or tiled window to existing cascaded or cascaded windows, respectively, each time a new application is activated. When the new window is added, the arrangement therefore arguably changes.

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Mr. Daniel Egger
May 9, 2005
Page 3



Please review the Office Action and cited reference, and then give me a call so we can discuss the preparation of a response to the Office Action. In case you do not have a complete copy of the Cowart reference, we are enclosing copies of pages 53-82.

Very truly yours,

DORSEY & WHITNEY LLP

A handwritten signature in black ink, appearing to read 'Ed'.

Edward W. Bulchis

EWB:alb

Enclosures:

As Noted

h:\ip\clients\egger, daniel\32560us\32560us egger ltr 050905.doc

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Re: Patent Application

Bulchis, Ed

From: Daniel Egger
Sent: Wednesday, June 01, 2005 5:27 AM
To: Bulchis, Ed
Subject: Re: Patent Application
Dear Ed:

Thank you very much. I think I understand the issues now. If my comments below seem a bit imprecise, please be aware that tho' I am a lawyer, I am not a patent lawyer. If I understand your recommendation correctly, it is to:

1. distinguish claims 106-112 from prior art on the grounds that we are describing not one but two [or more!] different formats for active windows depending on context (ie, law maps and "tear-offs" or "text windows")
2. restate 99-105 to claim only display of the most recently activated windows, not all windows.
3. drop 113-118.

I agree with 1. and 3. as stated above.

I would definitely like to save as much of 99-105 as we can — but I don't want it to become so obscure that we no longer further the purpose of the invention (ie match the embodiment).

As I read the patent, we have three types of windows going: windows with graphical displays of relationships among a group of documents ("law maps") windows that display a summary of data relating to a single document ("tear-offs") and windows that display the text of a retrieved document ("text windows"). Any type of window can be used as a starting point to generate new windows of any other type.

The goal of 99-105 is I believe to claim context-dependent (intelligent) reorganization for prior windows. In other words, selecting (or "generating") a new law map from the command line or from a previously active law map opens an active window with that map and minimizes or ties other law maps. Creating a new "tear off" (a small window summarizing data relating to a particular document) causes the tear off to activate in front of the relevant law-map, while the law map stays up. The idea is that law maps, which are graphical representations of groups of documents, provide the broad overview, and you want to keep referring back to them as you narrow the list of individual texts that are relevant to a search. Similarly, pulling up a document's text from a law map would not minimize the law map. Pulling up a text window from a totally unrelated search would cause the lawmap to minimize or tile. On the other hand, pulling up a new law map from an active citation (a hyperlink or place int he text that allowed the V-Search application to be called) would cause that text to remain displayed along with the new lawmap. To my knowledge, nothing in windows 3.1 (or any application to "V-Search") allowed for reordering of prior windows depending upon the "path" by which the new window was generated and the types of windows generated earlier.

Can you try to keep that core idea alive in the restatement?

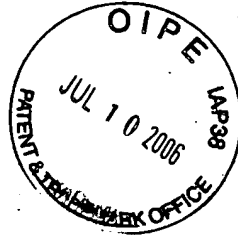
All the best,

Daniel Egger

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6/1/2005

EDWARD W. BULCHIS
(206) 903-8785
bulchis.ed@dorsey.com



February 3, 2006

Mr. Daniel Egger
900 West Main Street
Suite 258
Durham, NC 27701

Re: U.S. Patent Application No. 09/854,577
METHOD AND APPARATUS FOR INDEXING, SEARCHING AND
DISPLAYING DATA
Our Reference: 32560/US (453550-1)

Dear Dan:

As we have discussed, your application is currently in an abandoned status although we can take steps to revive it. The application was abandoned because no response was filed to an Office Action dated March 30, 2004. We previously started preparing documents to revive the application at Dorsey's expense. However, one of the requirements to revive the application is that a response to the Office Action must be filed with the documents reviving the application. We previously solicited your assistance in determining how the claims rejected in the Office Action distinguished over the cited references. In our last telephone conversation, you indicated that the subject matter of the claims presently in the application had very limited value to you, and you indicated you would let me know what you would like to do with the application. Would you please let me know as soon as possible as the application should not remain in its abandon state indefinitely if you intend to eventually revive it.

There are basically three options. First, we can prepare a response arguing the patentability of the claims presently in the application. However, as mentioned above, we will need your assistance before preparing the response. Second, we can file a continuation application substituting new and presumably more valuable claims for prosecution in the continuation application. Third, we can simply leave the application in its abandoned state. As also mentioned during our last telephone conversation, if you choose the third option, Dorsey would deduct from the balance currently owing an amount equal to the Patent & Trademark Office fee for reviving the application. This fee is currently \$750. Regardless of which option you choose, you need to take action in reducing the outstanding balance, which has been unpaid for some time.

Mr. Daniel Egger
February 3, 2006
Page 2



If you have any questions, please do not hesitate to call.

Very truly yours,

DORSEY & WHITNEY LLP


Edward W. Bulchis

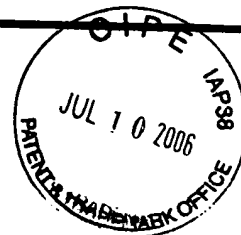
EWB:alb

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Bulchis, Ed

From: Daniel Egger [degger@osriskmanagement.com]
Sent: Thursday, March 02, 2006 2:47 PM
To: Bulchis, Ed
Subject: Revival of Egger Patent App.



Ed:

I just got your Feb 3 letter! We definitely need to revive this application, if it can be part of a broader strategy with the two issued patents. The issue was and is, whether the original date can be used to pursue a modification of the original claims in the first 1992 patent that will strengthen them against potential challenge. Joby Hughes was supposed to call you on this point last summer as you may remember. He went quiet for a few months but has significant renewed interest in the deal and has been hounding me for an answer -- so we need to understand his question and answer it.

Please let me know a couple times when I can reach you by telephone, and we can figure out who should do what when.

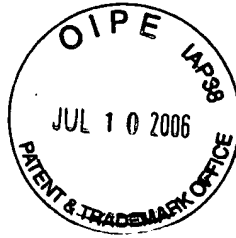
Thanks,

Daniel Egger

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EDWARD W. BULCHIS
(206) 903-8785
bulchis.ed@dorsey.com



April 6, 2006

Mr. Daniel Egger
900 West Main Street
Suite 258
Durham, NC 27701

Re: U.S. Patent Application No. 09/854,577
METHOD AND APPARATUS FOR INDEXING, SEARCHING AND
DISPLAYING DATA
Our Reference: 32560/US (453550-1)

Dear Dan:

We have not heard from you about whether you want us to revive the application and continue prosecuting a new set of claims. Nor have we heard from you concerning the outstanding balance of your account. We cannot allow the application to be indefinitely in an abandoned state if we are to be successful in reviving it.

Therefore, if you want us to revive the application please get in touch with us as soon as possible.

Very truly yours,

DORSEY & WHITNEY LLP

Edward W. Bulchis

EWB:alb

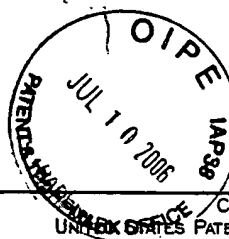
h:\ip\clients\egger, daniel\32560us\32560us egger ltr 040606.doc

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AN/JKH



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/854,577	05/15/2001	2171	355	4256B	56	20	3

CONFIRMATION NO. 1561

DORSEY & WHITNEY LLP
Suite 400
1660 International Drive
McLean, VA 22102

FILING RECEIPT



OC000000006175031

Date Mailed: 06/13/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Daniel Egger, Durham, NC;
Shawn Cannon, Hillsborough, NC;
Ronald D. Sauers, Mebane, NC;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/071,120 05/04/1998 PAT 6,233,571
WHICH IS A DIV OF 08/649,304 05/17/1996 PAT 5,832,494
WHICH IS A CIP OF 08/076,658 06/14/1993 PAT 5,544,352

Foreign Applications

If Required, Foreign Filing License Granted 06/11/2001

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

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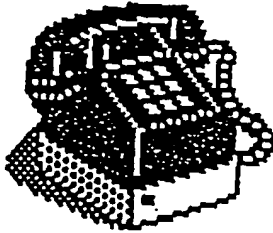
** SMALL ENTITY **

Title

DOCKETED

6/21/01

WRR



TELECOPY/FACSIMILE TRANSMISSION COVER SHEET

DATE: 3/21/05

TO: (NAME) Denise Sheridan

(COMPANY OR FIRM) _____

(FAX No.) 1-206-903-8820

FROM: (NAME) Kristine Kincaid

(VOICELINE No.) 571-272-4063

NUMBER OF PAGES 14 INCLUDING THIS PAGE.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,577	05/15/2001	Daniel Egger	4256B	1561

7390 03/30/2004

DORSEY & WHITNEY LLP
Suite 400
1660 International Drive
McLean, VA 22102

EXAMINER
LEWIS, ADAM M

ART UNIT	PAPER NUMBER
2174	5

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,577

Applicant(s)

EGGER ET AL

Examiner

Adam M. Lewis

Art Unit

2174

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 99-138 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 99-138 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

Application/Control Number: 09/854,577
Art Unit: 2174

Page 2

DETAILED ACTION

Specification

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 125-144 been renumbered 119-138.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 99-138 are rejected under 35 U.S.C. 102(b) as being anticipated by Cowart ("Cowart", *Mastering Windows 3.1*, ISBN 0-89588-842-4).

As per independent claim 99, Cowart teaches a method for arranging a desired number of activated windows of information for display on a screen connected to a computer, wherein the desired number is the number of activated windows to arrange for display on the screen in a particular format, and wherein the computer activates windows, the method comprising:

identifying activated windows for display, wherein the number of activated windows identified for display equals the desired number of activated windows to be

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displayed in the particular format, wherein the desired number of activated windows to be displayed is greater than one, and wherein the most recently activated windows are identified for display (Cowart, Page 65, Fig. 2.7);

arranging the identified windows on the screen for display in the particular format, wherein the identified windows are visibly arranged (Cowart, Page 67, Figs. 2.8 and 2.9); and

wherein each time a new window is activated the steps of identifying and arranging are repeated. The user may perform the step of repetition at any time after a new window is activated.

Dependent claim 119 is identical to claim 99, and is therefore rejected under similar rationale.

As per claim 100, which is dependent on claim 99, Cowart teaches the method of claim 99, further comprising choosing the desired number of activated windows to arrange on the screen in the particular format (Cowart, Page 66 "Cascade," "Tile," Page 67, Figs. 2.8 and 2.9).

Dependent claim 120 is identical to claim 100, and is therefore rejected under similar rationale.

As per claim 101, which is dependent on claim 99, Cowart teaches the method of claim 99, wherein the desired number of activated windows to arrange on the screen is a default value (Cowart, Page 67, Figs. 2.8 and 2.9). A default value is defined as a value that the system uses when the user does not specify a value. Therefore the default value for windows to arrange is the number of windows on the screen.

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Page 4

Dependent claim 121 is identical to claim 101, and is therefore rejected under similar rationale.

As per claim 102, which is dependent on claim 100, Cowart teaches the method of claim 100, further comprising recognizing one or more activated windows which have not been identified for display and will not be arranged for display on the screen in the particular format (Cowart, Page 67, Figs. 2.8 and 2.9). The row of icons on the bottom of each figure represent identified windows that are not arranged for display.

Dependent claim 122 is identical to claim 102, and is therefore rejected under similar rationale.

As per claim 103, which is dependent on claim 102, Cowart teaches the method of claim 102, wherein an activated window not identified for display may be represented on the screen with a representative display, the method further comprising representing one or more recognized windows on the screen with a representative display (Cowart, Page 67, Figs. 2.8 and 2.9). The representative display of the activated windows not identified for display are the icons representing the activated windows at the bottom of each figure.

Dependent claim 123 is identical to claim 103, and is therefore rejected under similar rationale.

As per claim 104, which is dependent on claim 103, Cowart teaches the method of claim 103, wherein the representative display is an icon which graphically represents the recognized window and wherein the icon is displayed simultaneously with an identified window (Cowart, Page 67, Figs. 2.8 and 2.9).

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Page 5

Dependent claim 124 is identical to claim 104, and is therefore rejected under similar rationale.

As per claim 105, which is dependent on claim 104, Cowart teaches the method of claim 104, further comprising minimizing the recognized window (Cowart, Page 67, Figs. 2.8 and 2.9). The minimized windows are the icons located at the bottom of each figure.

Dependent claim 125 is identical to claim 105, and is therefore rejected under similar rationale.

As per independent claim 106, Cowart teaches a method for displaying active information windows on a screen, wherein the information windows are generated by a computer and the screen is operably connected to the computer, and wherein the information windows may be displayed in two or more formats, comprising:

identifying at least one active window, wherein the identified windows will be displayed in a first format on the screen, (Cowart, Page 66, "Cascade," "Tile"; Page 67, Figs. 2.8 and 2.9)

recognizing at least one active window, wherein the recognized windows will be displayed in a second format on the screen, and wherein none of the identified windows are recognized; (Cowart, Page 67, Figs. 2.8 and 2.9) and

generating a display on the screen for viewing identified windows and recognized windows, wherein a first format display is generated for each of the identified windows, wherein a second format display is generated for each of the recognized windows, and wherein the second format is different from the first format (Cowart, Page 67, Figs. 2.8 and 2.9), comprising:

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arranging the first format displays and second format displays for display on the screen, wherein the computer is used in the arranging step (Cowart, Page 67, Figs. 2.8 and 2.9); and

repeating the steps of identifying, recognizing and generating when a new window is activated.

The first format for identified windows is either cascade or tile. The second format for recognized windows being arranged as icons in a distinct row at the bottom of the window. The user may perform the step of repetition at any time after a new window is activated.

Independent claim 126 is identical to claim 106, and is therefore rejected under similar rationale.

As per claim 107, which is dependent on claim 106, Cowart teaches the method of claim 106, wherein the steps occur automatically each time a new window is activated (Cowart, Page 67, Figs. 2.8 and 2.9). Once a new window is activated the user may enter the command to carry out the steps of claim 106, therefore causing the computer to automatically carry out those steps.

Dependent claim 127 is identical to claim 107, and is therefore rejected under similar rationale.

As per claim 108, which is dependent on claim 106, Cowart teaches the method of claim 106, wherein the second format is graphic icons and the graphic icons are arranged to overlay on the first format display, and wherein the method further comprises arranging the graphic icons, wherein the graphic icons are arranged in an orderly fashion (Cowart, Page 67, Figs. 2.8 and 2.9).

Application/Control Number: 09/854,577
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Page 7

Dependent claim 128 is identical to claim 108, and is therefore rejected under similar rationale.

As per claim 109, which is dependent on claim 106, Cowart teaches the method of claim 106, wherein the first format displays are arranged vertically side-by-side (Cowart, Page 67, Fig. 2.9).

Dependent claim 129 is identical to claim 109, and is therefore rejected under similar rationale.

As per claim 110, which is dependent on claim 106, Cowart teaches the method of claim 106, wherein the first format displays are arranged horizontally (Cowart, Page 67, Fig. 2.9).

Dependent claim 130 is identical to claim 110, and is therefore rejected under similar rationale.

As per claim 111, which is dependent on claim 106, Cowart teaches the method of claim 106, wherein the generating step further comprises minimizing the recognized windows (Cowart, Page 67, Figs. 2.8 and 2.9).

Dependent claim 131 is identical to claim 111, and is therefore rejected under similar rationale.

As per claim 112, which is dependent on claim 106, Cowart teaches the method of claim 106, wherein a database manager is used, and wherein the step of generating further comprises accessing a database of information and using the accessed database information to generate the first formal displays (inherent in Cowart, Page 67, Figs. 2.8 and 2.9). The information shown in the displays of Cowart must be generated

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Application/Control Number: 09/854,577
Art Unit: 2174

Page 8

from a database because the information is part of a file system, which is a form of database and therefore inherent.

Dependent claim 132 is identical to claim 112, and is therefore rejected under similar rationale.

As per independent claim 113, Cowart teaches a database management system using windows of information and auto-arranging of the windows, wherein each time a previously inactive window is activated the system auto arranges the windows for display on a screen, comprising:

- a memory, wherein data for use in generating information windows is stored;

- a processor, operably coupled to the memory, that auto-arranges the windows of information; wherein the windows of information are automatically arranged, the processor comprising:

 - means for generating windows of information using data from the memory; and

 - means for auto-arranging windows of information into an arranged format, wherein more than one window may be arranged, and wherein each time a previously inactivate window is activated, all the active windows are arranged so that the arrangement of windows changes each time a previously inactivate window is activated (Cowart, Page 66-67; Figs. 2.8 and 2.9); and

- a screen, operably coupled to the processor, wherein the screen displays the information windows in an arranged format.

The information shown in the displays of Cowart must be generated from a database because the information is part of a file system, which is a form of database

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Art Unit: 2174

Page 9

and therefore inherent. Furthermore, the user may perform the step of repetition at any time after a new window is activated.

Independent claim 133 is identical to claim 113, and is therefore rejected under similar rationale.

As per claim 114, which is dependent on claim 113, Cowart teaches the database management system of claim 113, wherein the means for auto-arranging windows comprises:

means for determining windows to be arranged in a first format and windows to be arranged in a second format, wherein at least one window is determined to be arranged in the first format (Cowart, Page 67, Figs. 2.8 and 2.9).

Dependent claim 134 is identical to claim 114, and is therefore rejected under similar rationale.

As per claim 115, which is dependent on claim 113, Cowart teaches the database management system of claim 113, wherein the windows determined to be arranged in the second format are represented by graphical icons and are displayed in a lower portion of one or more of the first format windows (Cowart, Page 67, Figs. 2.8 and 2.9).

Dependent claim 135 is identical to claim 115, and is therefore rejected under similar rationale.

As per claim 116, which is dependent on claim 113, Cowart teaches the database management system of claim 113, wherein the arranged format is a targeted format chosen by a user of the database management system, further comprising: means for choosing a target format (Cowart, Page 64-66, "Using the Task List").

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Page 10

Dependent claim 136 is identical to claim 116, and is therefore rejected under similar rationale.

As per claim 117, which is dependent on claim 116, Cowart teaches the database management system of claim 116, wherein the user may enter a customized target format, further comprising: a keyboard, wherein the customized target format may be entered (Cowart, Page 867, "General Keys").

Dependent claim 137 is identical to claim 117, and is therefore rejected under similar rationale.

As per claim 118, which is dependent on claim 116, Cowart teaches the database management system of claim 116, wherein the user may choose from several different formats, the data management system further comprising: means for displaying a list of formats to be chosen (Cowart, Page 65, Figure in middle of page, Page 66, "Cascade," "Tile").

Dependent claim 138 is identical to claim 118, and is therefore rejected under similar rationale.

Double Patenting

4. Applicant is advised that should claims 99-118 be found allowable, renumbered claims 119-138 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

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Page 11

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bourgeios et al. (US# 5,060,170) teaches space allocation and positioning method for screen display regions in a variable windowing system.

Hargrove (US# 5,371,847) teaches a method and system for specifying the arrangement of windows on a display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Application/Control Number: 09/854,577
Art Unit: 2174

Page 12

al

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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Stephen Whitt

From: Daniel Egger [degger@osriskmanagement.com]
Sent: Tuesday, April 11, 2006 11:14 AM
To: bulchis.ed@dorsey.com
Cc: Stephen Whitt
Subject: Transfer of Patent Files

Dear Ed:

I've made the decision to terminate any further representation by Dorsey & Whitney.

As per the telephone message I left for you this morning, please send all of the files relating to my two issued and one pending/lapsed patent application immediately by Federal Express to my new patent counsel:

Stephen Whitt
Volentine, Francos & Whitt, PLLC
1 Freedom Square
11951 Freedom Drive
Suite 1260
Reston, VA
20190

You may use my Federal Express billing number: 231-389-792.

Thank you for your prompt attention to this matter.

Sincerely,

Daniel Egger



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/404,824	04/17/2006	2174	750	EGG.001D	56	6	3

20987

VOLENTINE FRANCOS, & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

RECEIVED

FAX ☒ ORIGINAL

MAY 12 2006

VOLENTINE FRANCOS
& WHITT, PLLC

CONFIRMATION NO. 2092

FILING RECEIPT



OC000000018747981

Date Mailed: 05/11/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Daniel Egger, Durham, NC;
Shawn Cannon, Hillsborough, NC;
Ronald D. Sauers, Mebane, NC;

Power of Attorney:

Eugene Johnson--21028
David Fronek--25678
Jon Tuttle--25713
Stuart Hemphill--28084
Aldo Noto--35628

John Giust--38064
Scott Doyle--39176

Domestic Priority data as claimed by applicant

This application is a DIV of 09/854,577 05/15/2001 ABN
which is a DIV of 09/071,120 05/04/1998 PAT 6,233,571
which is a DIV of 08/649,304 05/17/1996 PAT 5,832,494
which is a CIP of 08/076,658 06/14/1993 PAT 5,544,352

Central Docket AEU 5/12Atty. Docket N/AAdmin. Docket

Foreign Applications

Acceptable Request to Retrieve Priority Application Received?

If Required, Foreign Filing License Granted: 05/10/2006

The country code and number of your priority application, to be used for filing abroad under the Paris

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Convention, is **US11/404,824**

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and apparatus for indexing, searching and displaying data

Preliminary Class

345

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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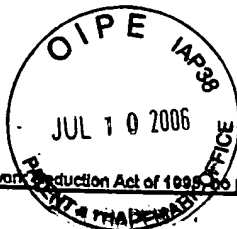
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NOT GRANTED

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Daniel EggerApplication No./Patent No./Control No.: 11/404,814Filed/Issue Date: April 17, 2006Entitled: METHOD AND APPARATUS FOR INDEXING, SEARCHING AND DISPLAYING DATADaniel Egger, a person

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at _____, Frame _____, or a true copy of the original is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Applicants To: Libertech, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 8035, Frame 0470, or for which a copy thereof is attached.
2. From: Sita Technologies, Inc. (successor in interest to Libertech, Inc.) To: Daniel Egger
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached. (submitted herewith)
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Daniel Egger

Daniel Egger

Printed or Typed Name

June 6, 2006

Date

919-416-4949

Telephone number

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Bill of Sale, Assignment and License Agreement

This Bill of Sale, Assignment, and License Agreement is made this 16th day of September, 1998 (the "Effective Date"), by and between Site Technologies, Inc., a Corporation doing business in California ("Seller"), and Daniel Egger, a resident of the State of North Carolina ("Buyer").

WHEREAS Seller has agreed to sell and assign to Buyer and Buyer has agreed to purchase and accept from Seller, certain intellectual property, software, databases, and physical assets, defined below, for the consideration and terms set forth herein; and

WHEREAS Seller has in addition agreed to license certain software, defined below, as to which Seller desires to retain ownership but is willing to grant Buyer a perpetual, nonexclusive license, for the consideration and terms set forth herein;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. Purchased Assets. The "Purchased Assets" shall include the following:

(a) **PATENTS:** U.S. Patent Number 5,544,352, filed June 14, 1993 (i.e., the "V-Search Patent"), and any additions, continuations, continuations in part, divisions, or extensions, reissues, renewals, or substitutions of such patent (including the "Aha Patent"), and any foreign counterpart of any of the foregoing, as well as all related documents and diagrams in the files of patent counsel;

(b) **TRADEMARKS and COPYRIGHTS:** All Seller's rights in "V-Search," "Aha," "Libertech," and any terms used in or associated with the "V-Search Publisher's Toolkit," as well as all logos and marketing and promotional material incorporating such marks;

(c) **SOFTWARE and DATABASES:** all software, whether source code or compiled, and all databases, associated with the V-Search data-visualization system or the Aha technology, including but not limited to all files contained on Drive D of the computer being conveyed as part of the sale (and reproduced in a separate set of tape backups), and enumerated in the memo prepared by Ron Sauers entitled "HIGH-LEVEL SUMMARY OF THE FILES CONTAINED ON DRIVE D:," attached hereto as Exhibit B and hereby incorporated by reference into this document;

(d) **THIRD-PARTY LICENSES:** rights to all license agreements, including the Folio Infobase license, obtained to generate and use the SOFTWARE and DATABASES enumerated above;

(e) **PHYSICAL ASSETS:** Extant copies of CD-ROMs and disks prepared for demonstrations of the V-Search technology, extant copies of the V-Search Publisher's Toolkit, extant

marketing materials, sales notebooks, etc., relating exclusively to the V-Search and Aha technologies - as well as the computer and backup tapes upon which the SOFTWARE and DATABASES enumerated above reside, and

(f) **GOODWILL and CLAIMS:** Any and all goodwill, and all claims and potential claims, relating to the Purchased Assets described above.

2. Seller warrants that it hereby transfers good and marketable title to the Purchased Assets, free and clear of all liabilities, mortgages, liens, pledges, charges, security interests, encumbrances or title retention agreements of any kind or nature.

3. Except for the foregoing warranty of title, THE PURCHASED ASSETS AND THE LICENSED SOFTWARE ARE PROVIDED "AS IS - WHERE IS" AND WITHOUT ANY WARRANTY OF ANY NATURE WHATSOEVER, IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT SELLER DISCLAIMS ALL OTHER WARRANTIES INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF MERCHANTABILITY, NONINFRINGEMENT AND FITNESS FOR A PARTICULAR PURPOSE.

4. Buyer assumes no liabilities of Seller associated with the Purchased Assets or Licensed Software or the operation of the businesses related thereto prior to the Effective Date. Seller agrees to defend, indemnify, and hold Buyer harmless against any and all liabilities associated with the Purchased Assets or Licensed Software that arise prior to the Closing that may be asserted against Buyer after the Effective Date, provided (i) Buyer notifies Seller promptly in writing of such claim, (ii) Seller has sole control of the defense and all related settlement negotiations, and (iii) Buyer provides Seller with all reasonably necessary assistance to perform the foregoing. In no event shall Seller be liable under the foregoing for a claim based on modifications, adaptations or changes to the Licensed Software not made by Seller or for combinations of the Licensed Software with materials not furnished by Seller if such infringement would have been avoided but for such combination. Buyer agrees to defend, indemnify, and hold Seller harmless against any and all liabilities associated with the Purchased Assets that arise after the Effective Date, provided (i) Seller notifies Buyer promptly in writing of such claim, (ii) Buyer has sole control of the defense and all related settlement negotiations, and (iii) Seller provides Buyer with all reasonably necessary assistance to perform the foregoing.

5. IN NO EVENT SHALL THE MAXIMUM LIABILITY OF EITHER PARTY ARISING UNDER THIS AGREEMENT EXCEED THE AMOUNT PAID BY BUYER HEREUNDER. IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER PARTY FOR ANY LOST DATA OR CONTENT, LOST PROFITS OR FOR ANY INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL, EXEMPLARY OR PUNITIVE DAMAGES ARISING OUT OF OR RELATING TO THE PURCHASED ASSETS OR LICENSED SOFTWARE PROVIDED HEREUNDER, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, AND NOTWITHSTANDING THE FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY.

6. Purchase Price. In consideration of the Purchased Assets and the Licensed Software provided hereunder, Buyer shall pay Seller \$100,000, payable in full on the Effective Date hereof.

7. Licensed Software. Buyer and Seller are aware that several components of Seller's software known as "SiteSweeper" are shared with the Purchased Assets.

Seller hereby grants Buyer a perpetual, worldwide, fully paid, nonexclusive license to copy, display, perform, create derivative works, distribute and otherwise use the Licensed Software, in source code form, solely in conjunction with the Purchased Assets. "Licensed Software" shall mean:

- (a) The "crawler" used to build Aha databases;
- (b) HTML Reporter - the reporter engine plus ISAPI extension; and
- (c) Miscellaneous utility files used by V-Search and/or Aha and also found in SiteSweeper.

Seller shall retain ownership of all copyrights and other rights in the Licensed Software, except that, although the Licensed Software is used in certain of the Purchased Assets, Seller shall have no ownership interest in such Purchased Assets.

8. Further Assurances.

(a) Seller agrees to instruct patent counsel, Dorsey and Whitney of Washington, D.C., that Seller has assigned to Buyer all such patent rights described above and such counsel is authorized and directed to make available and/or to deliver to Buyer all Seller's records relating to such patent rights. Buyer may provide a copy of this Agreement to such counsel and this Agreement shall constitute Seller's authorization to release such files to Buyer.

(b) Seller agrees from time to time, upon the request of the Buyer, to execute, acknowledge, and deliver all such further instruments, or perform such further acts, as may be necessary, in the opinion of the Buyer, in connection with the sale, assignment, conveyance, transfer and delivery of the Purchased Assets or the Licensed Software.

9. Termination. Either party may terminate this Agreement in the event of any material breach of the terms and conditions of this Agreement by the other party, which default continues in effect after the defaulting party has been provided with written notice of default and thirty (30) days to cure such default. Sections 1, 3, 4, 5, 6, 9 and 10 shall survive any termination of this Agreement.

10. This Agreement, including the exhibits attached hereto, constitute the entire agreement and understanding of the parties with respect to the subject matter contained herein and supersede or cancel all prior agreements respecting such subject matter. This Agreement may be amended only by a written instrument executed by all the parties or their successors or assigns. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their successors and assigns. In the event any provision of this Agreement shall be held to be invalid, the remaining provisions of this Agreement shall be unimpaired and the parties will substitute a new enforceable provision of like economic intent and effect. This Agreement may be executed in one or more counterparts and each counterpart deemed an original. This Agreement may also be executed and

delivered in counterparts executed and delivered via facsimile transmission, and any such counterpart shall be deemed an original for all intents and purposes.

IN WITNESS HEREOF, the parties have caused this Agreement to be executed as of the Effective Date:

Buyer:


Daniel Egger

Seller:


Site Technologies
Jeff Ait, Chief Executive Officer

Date:

Sept. 16 '98

Date:

Sept 15, 1998

EXHIBIT A

ASSIGNMENT OF PATENT

WHEREAS the undersigned SITE TECHNOLOGIES, INC., a California corporation ("Assignor"), is the sole owner of Patent number 5,544,352, issued August 6, 1996;

WHEREAS DANIEL EGGER, a resident of the State of North Carolina having his principal residence at 2027 W. Club Boulevard, Durham, NC 27705 ("Assignee"), is desirous of obtaining the entire right, title and interest in, to and under the said Patent;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) to the undersigned in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, the said Assignor, has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said Patent, and all divisions, renewals and continuations thereof, and all issues and extensions thereof, and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for the invention(s) claimed in such Patent in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States Patent under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said inventions in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND THE UNDERSIGNED HEREBY authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

AND THE UNDERSIGNED HEREBY covenants and agrees that it has full right to convey the entire interest herein assigned, and that it has not executed, and will not execute, any agreement in conflict herewith;

AND THE UNDERSIGNED HEREBY further covenants and agrees that it will com-
_____ and assigns any facts known.

ATTEST:

Sharon L. Fugitt
Secretary

Doc Code:

PTO/SB/82 (04-05)

Approved for use through 11/30/2006. OMB 0661-0035

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**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	11/404,824
Filing Date	April 17, 2006
First Named Inventor	Daniel EGGER
Art Unit	2174
Examiner Name	TBA
Attorney Docket Number	EGG.001D

I hereby revoke all previous powers of attorney given in the above-identified application:

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

20987

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with
Customer Number:

20987

OR

☐ Firm or
Individual Name

Address

City

State

ZIP

Country

Telephone

Email

I am the:

☒ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71
Statement under 37CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature

Name

DANIEL EGGER

Date

June 6, 2006

Telephone

919-416-4949

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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